

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WAYNE THOMAS, )  
Petitioner )  
vs. )  
DAVID DIGUGLIELMO, Warden, State ) Civil Action No. 05-1302  
Correctional Institution Graterford; )  
DISTRICT ATTORNEY OF ALLEGHENY ) Magistrate Judge Amy Reynolds Hay  
COUNTY, PENNSYLVANIA; PA STATE )  
ATTORNEY GENERAL, )  
Respondents )

ORDER

AND NOW, this 11<sup>th</sup> day of May, 2006, after the Petitioner,

Wayne Thomas, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the petition for writ of habeas corpus is transferred to the United States Court of Appeals for the Third Circuit for consideration as an application to file a successive petition as required by 28 U.S.C. § 2244(b)(3) forthwith.

  
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GARY L. LANCASTER  
United States District Judge

cc: Wayne Thomas  
CJ-5703  
SCI Graterford  
P.O. Box 244  
Graterford, PA 19426  
cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge